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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,752	07/13/2001	Noriyuki Kawano	211402US2	2054
22850	7590	02/03/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ORTIZ CRIADO, JORGE L	
		ART UNIT		PAPER NUMBER
		2655		10
DATE MAILED: 02/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/903,752	KAWANO, NORIYUKI
	Examiner	Art Unit
	Jorge L Ortiz-Criado	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 December 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 8-21 and 32-41 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7,22-31 and 42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species (a) Figs. 1-6,8-10,13A and 13B, claims 1-7, 22-31 and 42, in Paper No. 9 is acknowledged.

The Examiner found that Fig. 12 is directed to a distinct species of claimed invention, and as previously presented to species (b).

The traversal is on the ground(s) that:

(a) the outstanding Office Action merely includes the conclusory statement that the application contains claims directed to the following patentably distinct species without stating an basis whatsoever in support of such finding. This is not found persuasive because as provided in MPEP § 809.02 (a)(B) reproduced below:

(B) Clearly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, to which claims are restricted. The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively. In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species cannot be conveniently identified, the claims may be grouped in accordance with the species to which they are restricted.

The Examiner clearly identifies in the Office Action the distinct species of the claimed invention and supporting such finding by providing figures that clearly identify the distinct species of the invention.

(b) the outstanding Office Action fails to address in any way whether the pending claims recite mutually exclusive characteristics.

This is not found persuasive because the Examiner found the mutually exclusive characteristics of the distinct species claimed by using Applicant's own specification and figures, where the distinctness and mutually exclusive characteristics are specified. The Examiner clearly identifies in the Office Action the distinct species of the claimed the invention and supporting such finding by providing figures that clearly identify the distinct species of the invention.

A provided in MPEP § 806.04 (f):

-- The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first. This is frequently expressed by saying that claims to be restricted to different species must recite the mutually exclusive characteristics of such species--.

(c) the search and examination of the entire application would not place a serious burden on the Examiner

This is not found persuasive because as provided in MPEP § 808.01 Species:

-- Where there is no disclosure of relationship between species (see MPEP § 806.04(b)), they are independent inventions and election of one invention following a requirement for restriction is mandatory even though applicant disagrees with the examiner. There must be a patentable difference between the species as claimed. See MPEP § 806.04(h). Since

the claims are directed to independent inventions, restriction is proper pursuant to 35 U.S.C. 121, and it is not necessary to show a separate status in the art or separate classification.

A single disclosed species must be elected as a prerequisite to applying the provisions of 7 CFR 1.141 to additional species if a generic claim is allowed. --

Accordingly, it is not required to show a separate status in the art or separate classification.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. Figures 24-27 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 22-31 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikegame Japanese Pat. No. JP410116431.

Regarding claim 1, Ikegame discloses an objective lens drive apparatus for use in an optical pickup (See Abstract), comprising:

a magnetic circuit including a magnet magnetized in two polarities (See Detailed description [0033]; Figs. 11, 12, ref# 8,9); and
a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),
a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)
and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),
wherein the focus coil, the tracking coil and the tilt coil are disposed within a magnetic gap of the magnetic circuit (See detailed description [0028]; Figs. 11,12)

Regarding claims 2, 23 and 28, Ikegame discloses wherein the magnetic circuit includes a plurality of the magnet, and the coil unit is disposed within the magnetic gap formed by the magnets (See Detailed description [0028]; Figs. 11, 12, ref#8,9)

Regarding claims 3, 24 and 29, Ikegame discloses wherein the coil unit includes a plurality of printed circuit boards, and the focus coil, the tracking coil and the tilt coil are separately mounted on the printed circuit boards (See Detailed description [0028]; Figs. 11, 12,ref# 23,24)

Regarding claim 4, Ikegame discloses wherein the coil unit includes a plurality of first printed circuit boards and second printed boards, and the focus coil and the tracking coil are mounted on the first printed circuit board and the tilt coil is mounted on the second printed board (See Detailed description [0028]; Figs. 11, 12, ref# 23,24)

Regarding claim 5, Ikegame discloses wherein the coil unit includes a plurality of first printed circuit boards and second printed boards, and the focus coil and the tilt coil are mounted on the first printed circuit board and the tracking coil is mounted on the second printed board (See Detailed description [0028]; Figs. 11, 12, ref# 23,24)

Regarding claim 6 and 31, Ikegame discloses wherein the number of the focus coil is one, the number of the tracking coil is even and the number of the tilt coil is two (See detailed description [0028]; Figs. 11,12) and wherein the magnet is magnetized in two polarities in a focus direction (See Detailed description [0033]; Figs. 11, 12, 13 ref# 8,9)

Regarding claims 7 and 26, Ikegame discloses wherein the number of the focus coil is even, the number of the tracking coil is one and the number of the tilt coil is two (See detailed description [0028]; Figs. 11,12), and wherein the magnet is magnetized in two polarities in a tracking direction (See Detailed description [0033]; Figs. 11, 12, 13 ref# 8,9)

Regarding claim 22, Ikegame discloses an objective lens drive apparatus used in an optical pickup for detecting the inclination of an optical disk to adjust the inclination of an

objective lens in accordance with an inclination signal of the optical disk (See Abstract), comprising:

a magnetic circuit including a magnet magnetized in two polarities (See Detailed description [0033]; Figs. 11, 12, ref# 8,9); and

a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),

a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)

and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),

wherein the focus coil, the tracking coil and the tilt coil are disposed within a magnetic gap of the magnetic circuit (See detailed description [0028]; Figs. 11,12)

wherein a focus servo is executed by supplying currents respectively to a plurality of the focus coils due to the sum of drive forces generated in the plurality of focus coils, wherein the inclination adjustment of the objective lens is executed by generating moment around the center of gravity of a movable part due to the difference between the drive forces (See detailed description [0032]-[0037]; Fig. 13)

Regarding claims 25 and 30, Ikegame discloses wherein the coil unit includes a plurality of printed circuit boards, and the focus coil, the tracking coil and the tilt coil are mounted on the printed circuit boards (See Detailed description [0028]; Figs. 11, 12,ref# 23,24)

Regarding claim 27, Ikegame discloses an objective lens drive apparatus used in an optical pickup for detecting the inclination of an optical disk to adjust the inclination of an

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objective lens in accordance with an inclination signal of the optical disk (See Abstract), comprising:

a magnetic circuit including a magnet magnetized in two polarities (See Detailed description [0033]; Figs. 11, 12, ref# 8,9); and
a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),
a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)
and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),
wherein the focus coil, the tracking coil and the tilt coil are disposed within a magnetic gap of the magnetic circuit (See detailed description [0028]; Figs. 11,12)

wherein a tracking servo is executed by supplying currents respectively to a plurality of the focus coils due to the sum of drive forces generated in the plurality of focus coils, wherein the inclination adjustment of the objective lens is executed by generating moment around the center of gravity of a movable part due to the difference between the drive forces (See detailed description [0032]-[0037]; Fig. 13)

Regarding claim 42, Ikegame discloses an objective lens drive apparatus for use in an optical pickup (See Abstract), comprising:

a magnetic circuit including a magnet magnetized in two polarities (See Detailed description [0033]; Figs. 11, 12, ref# 8,9); and
a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),
a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)
and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),

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wherein the lens is adjusted in a focusing direction, a tracking direction, and a tilt direction by one magnetic circuit and coils provided in a lens holder (See detailed description [0028]; Figs. 11,12,13)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc

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